

1976 WL 30612 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 16, 1976

*1 Representative W. D. Rhoad
P. O. Box 508
Bamberg, South Carolina 29003

Dear Representative Rhoad:

You have requested an opinion from this office concerning several aspects of Act No. 283 of 1975, the 'home rule' legislation, as it relates to Bamberg County which, according to your letter, has chosen the council-administrator form of government and the single member election district method of election as a result of a referendum conducted pursuant to Section 14-3701(a) of the Act. I shall answer your questions in the order in which you have asked them.

1. The members of Bamberg County's present Board of Commissioners, i.e., two commissioners and a supervisor, will become members of the new council until their present terms of office expire [See, §§ 14-3701(e) and 3(3)(a) of the Act]; the Act does allow them, however, to seek election, if they choose, to the new single member seats on council in November, 1976, without first having to resign from the offices which they presently hold. See, § 3(3)(a) of the Act. If they choose to serve out the unexpired terms of their offices, they will serve as members of the new council in addition to those members elected from the requisite number of single member districts. See, § 3(3)(a) of the Act. The present supervisor will not serve as chairman of the new council. See, § 14-3708 of the Act.

2. The present supervisor will not continue as a supervisor once the council-administrator form becomes effective but will, instead, serve as a member of the new council until his present term of office expires as hereinabove explained.

3. Once the council-administrator form becomes effective, the new council cannot reduce the salaries of the present commissioners and supervisor because of Section 14-3703(7) of the Act which reads, in part:

. . . The salary of those officials elected by the people may be increased but shall not be reduced during the terms for which they are elected, . . .

4. The chairman of the new council will be selected by the members thereof pursuant to Section 14-3708 of the Act. That portion of Section 14-3706 which allows the chairman of the new council to be elected at large '[i]n those counties in which the chairman of the governing body was elected at large as a separate office prior to the adoption of one of the alternate forms' applies to a county such as Aiken County where the chairman of the board of commissioners runs for that office from the county at large. See, 57 STAT. Act No. 1078, § 3 at 2249 (1972).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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